

***Superseded 5/10/2016***

**32B-11-303 Specific authority and operational requirements for winery manufacturing license.**

- (1) A winery manufacturing license allows a winery manufacturing licensee to:
  - (a) store, manufacture, transport, import, or export wine;
  - (b) sell wine at wholesale to the department and to out-of-state customers;
  - (c) purchase liquor for fortifying wine, if the department is notified of the purchase and date of delivery; and
  - (d) warehouse on the licensed premises liquor that is manufactured or purchased for manufacturing purposes.
- (2)
  - (a) A wine, brandy, wine spirit, or other liquor imported under authority of a winery manufacturing license shall conform to the standards of identity and quality established in the regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq.
  - (b) The federal definitions, standards of identity, and quality and labeling requirements for wine, in regulations issued under Federal Alcohol Administration Act, 27 U.S.C. Sec. 201 et seq., are adopted to the extent the regulations are not contrary to or inconsistent with the laws of this state.
- (3) If considered necessary, the commission or department may require:
  - (a) the alteration of the plant, equipment, or licensed premises;
  - (b) the alteration or removal of unsuitable wine-making equipment or material;
  - (c) a winery manufacturing licensee to clean, disinfect, ventilate, or otherwise improve the sanitary and working conditions of the plant, licensed premises, and wine-making equipment;
  - (d) that a marc, pomace, or fruit be destroyed, denatured, or removed from the licensed premises because it is considered:
    - (i) unfit for wine making; or
    - (ii) as producing or likely to produce an unsanitary condition;
  - (e) a winery manufacturing licensee to distill or cause to be distilled or disposed of under the department's supervision:
    - (i) any unsound, poor quality finished wine; or
    - (ii) unfinished wine that will not be satisfactory when finished; or
  - (f) that a record pertaining to the grapes and other materials and ingredients used in the manufacture of wine be available to the commission or department upon request.
- (4) A winery manufacturing licensee may not permit wine to be consumed on its premises, except under the following circumstances:
  - (a) A winery manufacturing licensee may allow its staff to consume on the licensed premises wine as the winery manufacturing licensee furnishes to the staff without charge.
  - (b) A winery manufacturing licensee may allow a person who can lawfully purchase wine for wholesale or retail distribution to consume a bona fide sample of the winery manufacturing licensee's product on the licensed premises.
  - (c) A winery manufacturing licensee may operate on its licensed premises a retail facility allowing consumption of a sample on the licensed premises of wine as long as food is also available. This type of retail facility located on the licensed premises shall be operated or supervised by the winery manufacturing licensee.